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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 10

March 2, 1993

No. 8

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House Week in Review

The House Judiciary Committee worked late into the week to draft a massive bill to restructure state government, voting last Thursday by 19-1 to approve the committee plan. A summary of this state government restructuring plan, along with the restructuring plan put forth by the House Ways and Means Committee, is enclosed at the end of this Update.

On Wednesday, the House voted 88-13 to approve H. 3425, which would prohibit an insurer from increasing the auto insurance premium of a person who is convicted for the first time for violating a county or municipal ordinance pertaining to careless or negligent driving. Having been approved in the Senate, this bill is now enrolled for ratification.

Last week the House also gave 3rd reading to H. 3416, which would authorize a municipality to appoint and commission code enforcement officers with the power of constables as necessary for the security, general welfare, and convenience of the municipality.

Legislative Update, March 2, 1993

Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all bills introduced in the House are featured here. The summaries are arranged according to the standing committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Additional Night Hunting Penalties (H. 3547, Rep. Snow). This bill would increase the penalties for illegal use of artificial lights as pertains to night hunting so as to provide also for the seizure and confiscation of the vehicle, firearm or other device used in the violation, along with its forfeiture to the State.

Taking of Sturgeon (H. 3548, Rep. Snow). This bill provides that a person having in possession, selling or offering for sale part of an Atlantic Sturgeon during the closed season for taking

this fish, without proof that the part was taken legally another state or country, is guilty of violating the closed season. The penalty for this violation would be the same as currently exists for other violations of the closed season and other restrictions as established by the Department of Wildlife and Marine Resources.

Seasons and Bag Limits for Crow Hunting (H. 3549, Rep. Snow). This bill would allow the Department of Wildlife and Marine Resources to establish seasons and bag limits for the hunting and taking of crows, consistent with the federal regulation governing those activities. However, the hunting season(s) on crows could not exceed a total of 124 days per calendar year, and the Department would designate a season or seasons between September 1 and March 1. The bill also makes it unlawful to hunt crows from an aircraft or by any methods except firearms, bow and arrow, or falconry. Anyone violating these provisions would be guilty of a misdemeanor and upon conviction would be fined between \$100 and \$200 or jailed up to 30 days.

Education and Public Works

Reporting of Criminal Conduct in Schools (H. 3550, Rep. McMahan). This bill would require school administrators to contact law enforcement authorities immediately upon notice that criminal conduct has occurred on school property or at a school-sanctioned or sponsored activity.

Judiciary

Government Restructuring (H. 3546, Rep. Sheheen). Under this outline of this "skeleton bill," 16 departments would be established within the Executive Branch of state government. Each department would be headed by a director, appointed by the governor with the advice and consent of the General Assembly. Each department would contain divisions composed of specified state agencies. The bill would provide for the organization, duties, functions and procedures of the various departments and divisions. Other agencies would perform their duties and functions as a part of and under the supervision of designated constitutional officers or under the judicial department. A South Carolina Administrative Law Judge Division would be established to hear, determine and preside over contested cases of various state agencies, divisions, departments and commissions. Some state agencies, boards, committees and commissions would be abolished, and the Department of Archives and History would be placed under the University of South Carolina. The Office of Appellate Defense would be designated as the Office of Indigent Defense and its duties and functions would be revised. This act would be effective July 1, 1993.

(This being a "skeleton bill," more details will be added to this bill at a later date.)

Offense of Criminal Assistance to Suicide (H. 3551, Rep. Sharpe). This bill provides that anyone with knowledge that another person intends to commit or attempt to commit suicide and who intentionally provides the physical means or participates in a physical act by which the person commits or attempts to commit suicide is guilty of the felony of criminal assistance to suicide, and upon conviction would be imprisoned for a maximum of 5 years, fined a maximum of \$5,000, or both. A licensed health care professional who administers, prescribes or dispenses medications or procedures to relieve a person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, would not be guilty of this offense so long as the professional does not knowingly or intentionally administer, prescribe or dispense medications or procedures so as to cause death. These provisions do not apply to or affect laws applicable to withholding or withdrawing of medical treatment by a licensed health care professional.

Special Public Works Improvement Districts (H. 3552, Rep. Davenport). This bill would allow counties to establish special public works improvement districts. An "improvement district" would comprise a specific area of the county, with improvements within that district being implemented through an "improvement plan." Improvements which could be undertaken within these districts would include road projects (widening, paving, etc.), pedestrian and sewer projects. Improvements within these districts could be financed through the imposition of assessments as provided under these provisions, special district bonds, general obligation bonds of the county, or from general revenues from a source not restricted from that use by law, or from a combination of these funding sources.

If the county governing body wishes to establish an area as an improvement district, the body would have to find that improvements would be beneficial within a designated improvement district and would help preserve the district's property values and tax base. It would also have to find it fair and equitable to finance all or part of the cost of the improvements by an assessment upon real property within the district and would also have to obtain the written consent for the district's creation from a majority of the owners of real property in the district having an aggregate assessed value in excess of 66 percent of all real property within the district. After adhering to these requirements, the governing body also could implement and finance an improvement plan for the district.

The governing body, by resolution, would describe the improvement district and the improvement plan to be carried out within the district. The bill lists what must be included in the improvement plan and provides for a public hearing to be held after the resolution has been adopted so that interested persons could comment on the resolution. The bill allows the governing body to determine how the improvements will be financed. If all or part of improvements and facilities within a district are to be financed by

property assessments within the district, the governing body would prepare an assessment roll in which would be entered the names of persons whose properties are to be assessed and the amounts assessed against their respective properties, with a brief description of the lots or parcels of land assessed. Following completion of the assessment roll, the governing body would mail, with return receipt requested, to the owner(s) of each lot or parcel of land against which an assessment is levied a notice stating the nature and proposed cost of the improvement, the amount to be assessed against the particular property, and the basis on which the assessment is made, together with terms upon which the assessment may be paid. The bill provides procedure for owners, if they desire, to object to the assessment and to appeal it. A property owner who fails to object to the assessment is considered to have considered to the assessment.

The governing body, by ordinance, could provide for creation of the improvement district 10 to 120 days after the public hearing allowed under these provisions, with creation of the district as originally proposed or with changes and modifications as the governing body may determine. In the ordinance the governing body also would provide for the financing of improvements within the district. The bill states that improvements carried out under these provisions are the sole and restricted property of the county and lists conditions under which the county may change the improvements within these districts.

Certification of Magistrates (H. 3553, Rep. Hodges). This bill would require all magistrates to complete a training program or pass certification or recertification examinations, or both, pursuant to standards established by the State Supreme Court. These examinations must be offered at least 3 times a year. Magistrates appointed for the first time on or after the effective date of this act would be required to complete a training program and pass the certification examination within 1 year after taking office, or before April 30, 1995, whichever is later. The bill sets staggered deadlines by which magistrates currently serving in office must pass a certification examination, with the deadline being before April 30, 1995 in 24 counties and before April 30, 1996 in the other 22 counties. Every magistrate would be required to pass a recertification examination within 8 years after passing the initial examination, and at least once every 8 years thereafter.

If a magistrate fails to comply with these training or examination requirements, his office is declared vacant on the date the term expires or when he is notified by the Supreme Court or its designee of his failure to complete these requirements, whichever is earlier. In the latter case, the Supreme Court also would notify the governor of the magistrate's failure to meet these requirements, and the magistrate's office would be declared vacant. The magistrate would not hold over, and the governor would appoint a successor as currently provided by law.

Transfer of Juvenile Cases (H. 3554, Rep. Klauber). This bill would permit the filing of a petition to transfer from the family court to the court of general sessions the case of a juvenile charged with assault and battery to kill, for the purpose of trying the offender as an adult.

Protection from Compelled Testimony for News Media (H. 3555, Rep. Wilkins). This bill would prohibit a person, company or entity which is or has been engaged in gathering and disseminating news for the public through television, radio, newspaper, magazine or other medium from being compelled to disclose information or produce any document or item obtained or prepared in gathering or disseminating news in a judicial, legislative or administrative proceeding where the person, company or entity is not a party. This protection from compelled testimony would not apply, however, if the information, document or item sought (1) was not obtained upon a promise of confidentiality; (2) is material and relevant to the controversy for which the testimony or production is sought; (3) reasonably cannot be obtained by alternative means; and (4) is necessary to the preparation or presentation of the case of the party seeking the information, document or item.

Publication of any information, document or item obtained or prepared in gathering and disseminating news would not waive the protection against compelled disclosure, although a person, company or entity would be permitted to waive protection against compelled disclosure.

Recovery of Attorney's Fees in Civil Actions Involving Child Abuse and Neglect (H. 3560, Rep. Huff). This bill would allow, at court discretion, the prevailing party in a civil action brought by the State or its political subdivisions, or by a person contesting state action, involving child abuse or neglect to recover reasonable attorney's fees from the other party, provided that the prevailing party is not the State or its political subdivisions.

Approval of Regulations by General Assembly (H. 3565, Rep. Cato). This bill states that a regulation requiring the review of the General Assembly would only be valid if the General Assembly adopted a joint resolution to approve the regulation. This would replace the current law which states that a regulation requiring this review becomes effective 120 days after its submission to the General Assembly if during that time a joint resolution to approve or disapprove the regulation has not been adopted. Furthermore, a regulation could not be filed under emergency provisions if a joint resolution to disapprove the regulation has been introduced by a standing committee to which the regulation was referred. If a joint resolution to approve or disapprove a regulation has not been enacted by final adjournment of the 2nd year of a 2-year session of the General Assembly, the regulation would be deemed permanently withdrawn. The bill also states that General Assembly review is not required for review of regulations promulgated by the State Tax Commission in reference to the Internal Revenue Service so as to

maintain conformity with the Internal Revenue Code of 1986, as opposed to the Internal Revenue Code of 1954.

Legislative Immunity for Traffic Offenses (H. 3571, Rep. Harwell). This joint resolution seeks to amend the Constitution so as to provide that legislators are not immune from prosecution during and shortly before and after sessions of the General Assembly for a traffic offense involving reckless driving or operating a motor vehicle under the influence of drugs or alcohol. The General Assembly by law could impose penalties or sanctions, including loss of legislative license plates, on its members upon conviction for multiple traffic offenses of any type. If the General Assembly approves this measure, it would be submitted to the voters as a constitutional amendment at the next general election.

Parole Eligibility for Someone Convicted of Kidnapping (H. 3573, Rep. Kirsh). This bill provides that a person convicted of kidnapping and sentenced to 2 or more consecutive life imprisonment terms is not eligible for parole until he has served at least 20 years of the sentence.

Notification of Noncustodial Parents in Removal Proceedings (S. 10, Sen. Martin and Rose). This bill provides that if a noncustodial parent is not named as a party in a case in which a child protective agency is seeking to remove a child from custody of his parent(s) because of abuse or neglect, that the child protective agency would make a reasonable effort to notify the noncustodial parent that a removal proceeding has been initiated and of the date and time of any hearing(s). The bill also provides that when a child, because of abuse or neglect, is removed from custody of his parent(s), the current preference of placing custody of the child with the child's relatives must also include a noncustodial parent.

Findings of Legislative Audit Council as Public Information (S. 135, Sen. Rose). Under this bill, statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report would be declared public information under the Freedom of Information Act.

Uniform Enforcement of Foreign Judgments Act (S. 193, Sen. Hayes). This bill provides for a method for satisfaction of foreign judgments in this state. The bill defines "foreign judgment" as a judgment, decree or order of a court of the United States or a court of another state which is entitled to full faith and credit in South Carolina, while a "judgment debtor" is the party against whom a foreign judgment has been rendered and a "judgment creditor" is the party in whose favor a foreign judgment has been rendered. The bill sets procedure and requirements for filing a foreign judgment in South Carolina, serving notice of the filing on the judgment debtor, seeking relief from a foreign judgment, and

enforcement of the judgment. These provisions would not be construed so as to impair a judgement creditor's right to bring a civil action in South Carolina to enforce the creditor's judgment and would not apply to foreign judgments based on claims which are contrary to the public policies of South Carolina.

Labor, Commerce and Industry

Vacancies in State Classified Positions (H. 3545, Rep. Moody-Lawrence). This bill would allow any classified State employee to apply for a vacancy in another classified position if the person is otherwise qualified for that position. If selected to fill that position, the person must be paid the salary which was advertised for the position.

Auto Insurance Reform (H. 3561, Rep. Wilkins and Clyborne). This bill abolishes the Reinsurance Facility, deletes the requirement that all drivers carry auto insurance, and the mandate that all insurers write insurance for anyone seeking to buy it. The bill also lists provisions for operating motor vehicles in South Carolina and the suspension and revocation of licenses in South Carolina. Under this bill, a person convicted for the first time of driving under the influence of alcohol or drugs would lose his operating privilege to drive in this state for 6 months, while a second offense would result in revocation of a license for 3 years. For a third offense, the person's license would be permanently revoked, although the person could petition his local circuit court after 10 years to have his license restored. A person convicted of a first or second DUI offense would be allowed to enter an alcohol safety program in the Judicial Circuit where the charge is brought or in any other judicial circuit upon terms and conditions set by the court. The fee to enter this program would be between \$250 and \$300, although if the person entering the program is found to be indigent, the fee could be reduced or eliminated. The person entering the program could be issued a restricted license to drive, and the bill lists conditions under which this license would be effective.

The bill lists conditions for the underwriting of bodily injury and property damage liability policies for motor vehicles and for a person's access to personal information about the person which is held by an insurer or agent. The bill also lists conditions under which an insurer or agent may not refuse to renew or issue auto insurance coverage and conditions under which an insurer or agent may cancel coverage. The bill also requires insurers to provide for a reduction in premiums for anyone age 55 or older who completes a motor vehicle accident prevention course approved by the Department of Highways and Public Transportation. A person successfully completing the course would retake it every 3 years in order to continue to be eligible for the discount.

The bill provides for establishment of an Uninsured Motorists' Fund. The Fund's purpose would be to reduce the cost of auto

insurance as required under these provisions. The commission would distribute monies annually from the Fund among the several insurers writing motor vehicle bodily injury and property damage liability insurance on motor vehicles registered in South Carolina. A person would be allowed to register an uninsured motor vehicle upon payment of a \$400 fee.

The bill lists offenses for which the Commissioner of the Department of Highways and Public Transportation may suspend or revoke someone's license, registration card, and license plates. As examples, the commissioner could revoke a person's license, registration card or license plates if that person is convicted of voluntary or involuntary manslaughter resulting from the driving of a motor vehicle or making a false statement to the Department of Highways and Public Transportation on an application for a driver's license. The bill also provides for a Driver's License Compact, similar to that which exists under current state law, and the bill lists conditions under which provisions of the Compact are valid if a portion of the Compact is declared contrary to the constitution of any party state or the U.S. Constitution.

Tax Credit for Assessments Paid to State Health Insurance Pool (H. 3570, Rep. J. Bailey). This bill states that if the total tax credit authorized under the South Carolina Health Insurance Pool exceeds \$7 million, rather than the current \$5 million, in any 1 year for all members of the pool, that the Pool's Board of Directors would establish a rate for all policies which assures that the tax credit does not exceed \$7 million, as opposed to the current \$5 million, in the following year of operation.

Motor Vehicle Insurance Credit Rate (S. 114, Sen. Giese). Under this bill, premium rates charged for liability and collision coverage under a private passenger auto insurance policy would be subject to an approved driver training course credit, provided that satisfactory evidence is presented indicating an applicant for the credit has successfully completed an approved driver training course. Under these provisions, an applicant must not be subject to the currently-existing youthful operator approved driver training course credit. The amount of the credit could be determined by each insurer based on factually or statistically supported data and would be subject to prior approval by the insurance commissioner. The bill requires that this discount be afforded to the operator for 3 years from the date the approved driver training course was completed and states that the insurer, as a condition of providing and maintaining the discount, may require the insured for this 3-year period not to be involved in an accident where the insured is at fault.

The bill defines "approved driver training course" as a course approved by the State Department of Education, the Department of Highways and Public Transportation or another responsible educational agency and conducted by (1) a recognized secondary school, college or university; (2) instructors certified by the State Department of Education, the Department of Highways and

Public Transportation or other responsible agency; or (3) any other school approved and supervised by the Department of Education, Department of Highways and Public Transportation or other responsible educational agency.

The bill lists requirements for this course and defines "satisfactory evidence" of completion as pertains to these provisions. The bill also states that only the vehicle driven by a driver or drivers who has (have) successfully completed the driver training course is subject to the discount. Any other vehicle which might be operated by other family members who have not completed this course would not qualify for the insurance discount until and unless the primary driver of the additional vehicle also has successfully completed the course. Only driver training courses taken on a voluntary basis would qualify for the insurance discount. Courses taken as a requirement of a driving offense would not qualify for this discount.

Transaction of Business for Multiple Employer Self-Insured Health Plans (S. 420, Senate Banking and Insurance Committee).

This bill would prohibit an agent or broker from transacting business on behalf of a multiple employer self-insured health plan unless the agent or broker first notifies the insurance commissioner in writing that the plan is transacting or proposing to transact business in the state. Additionally, no 3rd party administrator, licensed administrator of insurance benefits plans or insurer acting as an administrator would be allowed to collect charges or premiums for, or adjust or settle claims on behalf of, any multiple employer self-insured health plan without first notifying the commissioner that the plan is transacting or proposing to transact business in South Carolina. Notice as required under these provisions would not constitute approval by the commissioner of this health plan, nor would it limit in any manner the administrative remedies available to the commissioner. This notice also would not limit or deprive a person of any private right of action under the law or the criminal jurisdiction of any law enforcement officer.

Medical, Military, Public and Municipal Affairs

Prohibited Health Care Provider Referrals (H. 3566, Rep. Corning). This bill prohibits a health care provider from referring a patient for the provision of designated health services to an entity in which a health care provider is an investor or has an investment interest. This would not apply, however, to referrals to radiation therapy centers managed by an entity or subsidiary or a general partner thereof which performed radiation therapy services or had a binding purchase contract on and a nonrefundable deposit paid for a linear accelerator prior to January 1, 1993. A health care provider also would be prohibited from referring a patient for provision of any other health care item or service to an entity in which the health care provider is an investor. The bill lists

exceptions and provides that no claim for payment can be presented by an entity for a referred service prohibited under these provisions. The bill provides civil penalties for illegal referrals. A health care provider allowed to refer someone to a facility in which he has an investment interest, as authorized under these exceptions would have to furnish the patient with a written disclosure form which, among other things, would inform the patient of the existence of the financial interest and the names and addresses of alternative sources for these items and services available to the patient. An entity would not be allowed to provide items or services to a patient also without first providing the patient with a financial disclosure form listing, among other things, the existence or nonexistence of any financial relationship with the health care provider who referred the patient and the names and addresses of alternative sources for these items or services available to the patient.

The bill also prohibits kickbacks for referring or soliciting patients, and a person violating this provision would be guilty of a misdemeanor and subject to fines or imprisonment upon conviction. The Department of Health and Environmental Control (DHEC) is authorized to conduct data-based studies and evaluations and make recommendations to the General Assembly concerning exemptions, the effectiveness of limitations of referrals, restrictions on investment interests and compensation arrangements and effectiveness of public disclosure. DHEC also could require health care facilities, providers and insurers to submit data necessary to carry out DHEC's duties. DHEC also would report to the General Assembly by January 1, 1995, basing its report on data collected as required under these provisions. The report also would include recommendations by DHEC regarding the need for additional legislation relating to health care providers' self referral practices.

Prohibition against Homosexuals and Bisexuals Serving in South Carolina National and State Guard (H. 3569, Rep. Graham). This bill would prohibit, with limited exceptions, the South Carolina National Guard or State Guard from accepting an applicant who states he or she is homosexual or bisexual, who has married or attempted to marry a person of the same sex, or who has engaged in, attempted to engage in or solicit another to engage in a homosexual act. No contract of enlistment, commission or transfer in or on to the National or State Guard could be approved if the applicant is disqualified under these conditions, except that the disqualified applicant could seek a waiver of the disqualification and be admitted if the waiver is approved by the Adjutant General or his designee. The bill lists circumstances under which waivers may be granted but states that no waiver can be granted to an applicant who has married or attempted to marry another person of the same sex. The bill also provides that any commissioned or warrant officer or enlisted person in the South Carolina National or State Guard would be separated from the Guard if the Adjutant General or his designee finds that the individual has engaged in, attempted to

engage in, or solicited another to participate in homosexual act(s), or has stated he or she is a homosexual or bisexual, or has married or attempted to marry a person of the same sex. The bill provides exceptions to dismissal for these acts; for example, a member of either Guard would not be dismissed for prior homosexual conduct if the conduct was a departure from the individual's usual and customary behavior. The discharge of a person dismissed from either Guard under these provisions would reflect the character of the individual's service, except that a discharge under other than honorable circumstances would be issued for homosexual conduct occurring under conditions as listed in the bill. Nothing under these provisions would preclude either trial by court-martial or separation for another reason, under appropriate circumstances.

At any time the South Carolina National or State Guard is called into federal service by the President pursuant to U.S. and state laws, the Adjutant General would determine within 30 days of the call whether these provisions conflict with federal law, and should that be the case, these provisions would be suspended for the duration of the federalized service. However, these provisions would again take effect after the duration of the federalized service. Additionally, those admitted to the National or State Guard while it is federalized and who would be disqualified from service in either Guard under these provisions are considered to have received a waiver and would be exempt from discharge for acts committed or statements made prior to the date these persons return to state control.

Ways and Means

Gasoline Tax Proceeds for Department of Wildlife and Marine Resources (H. 3544, Rep. Holt). This bill would increase from one-half percent to 1 percent the percentage of proceeds from the 10.34 cent per gallon gas tax imposed on oil companies doing business in the state which must be transmitted to the Department of Wildlife and Marine Resources.

Financial Assistance to Judicial Department (H. 3557, Rep. Sheheen and Wilkins). This joint resolution would transfer \$200,000 from the accounts of the House of Representatives designated by the Speaker to appropriate accounts of the Judicial Department to assist in the payment of mileage and subsistence expenses. These transferred funds could only be used for expenses incurred by judges and justices between April 1, 1993 and June 30, 1993. Mileage and subsistence expenses paid during this period would be subject to the following terms and conditions: (1) no mileage reimbursement would be paid to Supreme Court justices and Court of Appeals judges for travel between their place of residence and Columbia; (2) no judge or justice of any court would be reimbursed any mileage or paid subsistence expenses incurred while on official business in the county where the judge or justice resides; (3) a judge or justice would be paid a subsistence allowance of \$79 a day

while on official business 50 or more miles away from his place of residence and a subsistence allowance of \$35 a day while on official business less than 50 miles away from his place of residence.

Property Tax Exemption for Greenhouses (H. 3564, Rep. Littlejohn). Current state law exempts from property taxation greenhouses which serve as farm equipment. This bill provides that the exemption would apply only if the product or item grown in the greenhouse is sold at wholesale. If the product or item is marketed or sold at retail, the exemption would no longer apply.

Observance of Veterans' Day in State Schools (H. 3567, Rep. G. Brown). This bill would require state-supported institutions of higher learning and the state's school districts to observe the Veterans' Day holiday as part of their holiday schedule.

Requirements for Classification of Land as Agricultural Real Property (H. 3572, Rep. Kirsh). This bill would impose additional requirements for real property before it could be, for assessment purposes, be classified as agricultural real property. If a tract is used to grow timber, it would have to be 5 acres or more, although timberland tracts under 5 acres which are contiguous to or under the same management system as a tract of timber meeting the 5 acre requirement would be treated as part of the qualifying tract. Additionally, tracts of timberland of less than 5 acres would be eligible to be agricultural real property when owned in combination with other tracts of nontimberland agricultural real property that qualify as agricultural real property. Under these provisions, the tracts of timberland must be devoted actively to growing trees for commercial use.

For tracts not used to grow timber, the tract must be 10 acres or more, although nontimberland tracts under 10 acres which are contiguous to other such tracts which, when added together, meet the 10 acre requirement, are treated as a qualifying tract if the contiguous tracts include tracts with identical owners of record separated by a dedicated road or other public way. Nontimberland tracts under 10 acres also could qualify as agricultural real property if the person making application to the county assessor for this classification reported at least \$1,000 in gross farm income on his federal tax return for at least 3 of the 5 years preceding the year of application. Additionally, a new owner making an application to the county assessor seeking agricultural real property classification for a nontimberland tract of under 10 acres could do so for the first 5 years of operation if he files federal income tax returns reporting at least \$1,000 in gross farm income during at least 3 of the first 5 years. If the new owner fails to meet these income requirements, the tract would not be considered agricultural real property and would be subject to the rollback tax. Real property idle under a federal or state land retirement program or property idle pursuant to accepted agricultural practices would be agricultural real property if the property

otherwise would have qualified as such property subject to satisfactory proof to the assessor.

It would also be unlawful for a person to knowingly and wilfully make a false statement on an application to a county assessor for classification of property as agricultural real property or for the special assessment ratio for certain agricultural real property. A person violating these provisions would be guilty of a misdemeanor and upon conviction would be fined not more than \$200.

Real property initially classified as agricultural real property and made ineligible for that classification by these provisions would not be subject to a rollback tax. These provisions would be effective for taxable years beginning after 1993.

Fiscal Impact Statements on State Tax Bills (S. 16, Sen. Wilson). This bill would require that when a bill is introduced relating to taxes imposed by political subdivisions, the chairman of the legislative committee to which the bill or resolution was referred must direct the Budget Division of the Budget and Control Board or the State Tax Commission to prepare and affix to it a statement of the estimated fiscal or revenue impact and cost to the counties and municipalities of the proposed legislation prior to the legislation being reported out of committee. The bill would also allow the committee chairman to direct the Tax Commission, in lieu of directing the Budget Division as currently required by law, to prepare fiscal or revenue impact statements on other legislation affecting county expenditures or use of county equipment, facilities and personnel. If there is a significant amendment to a bill or resolution, the Tax Commission, as opposed currently to only the Budget Division, could be ordered at the direction of the presiding officer of the House or Senate to complete a revised fiscal or revenue impact statement prior to 3rd reading of the bill or resolution. Under these provisions, a political subdivision is defined as a county, municipality, school district, special purpose district, public service district, or consolidated political subdivision.

Purchases of Items by Government Bodies (S. 79, Sen. McConnell and Rose). This bill would require that before decorative or ornamental items are purchased by a governmental body for an office or adjoining reception area of an agency deputy director, the proposed purchase must be reported to the governing board, commission or council of the respective governmental body if the cost of the item exceeds \$500. The required report also would have to include the method of procurement for purchase of the item. The governing board, commission, or council of the respective governmental body, based on the report(s), would then formally approve or disapprove the purchase, as it currently does for proposed purchases of decorative and ornamental items exceeding \$500 by governmental bodies for offices and adjoining reception areas used by agency directors or assistant agency directors. Additionally, reports currently required for purchases of items

exceeding \$500 for these agency and assistant agency directors also would have to include the method of procurement for the item.

Reimbursement for Inventory Property Tax Exemption (S. 368, Sen. Drummond). This bill pertains to state reimbursement to counties and municipalities for revenue lost as a result of the business inventory tax exemption and provides that if the amount of reimbursement to a political subdivision within a county is attributable to a separate millage for debt service, when the debt is paid the appropriate reimbursement amount must be distributed proportionately to other separate millages levied by the political subdivision within the county for the 1987 tax year.

Transfer of Functions Pertaining to Preparation and Submission of State Budget (S. 422, Senate Finance Committee). This bill provides that the functions of the State Budget and Control Board with regard to preparation and submission of the recommended state budget are devolved upon the governor. In preparing the recommended state budget, the governor would consult with the State Treasurer and Comptroller General. The Budget Division of the Budget and Control Board would assist the governor in preparing budget recommendations, but this function of the Budget Division could not be construed as altering the overall management and administration of the Budget Division as an entity of the Budget and Control Board. This act would take effect July 1, 1993 and would first apply for the budget recommendation for Fiscal Year 1994-1995.

**PROPOSALS FOR STATE
AGENCY RESTRUCTURING AND
CONSOLIDATION**

**WAYS AND MEANS COMMITTEE
S. C. HOUSE OF REPRESENTATIVES**

**(Constitutional Laws Subcommittee
Proposal Adopted by W&M for
Budget Purposes 2/18/93)**

**JUDICIARY COMMITTEE
S. C. HOUSE OF REPRESENTATIVES**

MARCH 1993

CONSTITUTIONAL OFFICES

Governor

Ways and Means Com. (C-L)

Governor's Office
Veterans Affairs Comm.
Commission on Women
Administrative Law Judges*
Continuum of Care

* A.L.J. Div. - not less than
6 judges.

Judiciary Committee

Governor's Office
Veterans Affairs Comm.
Commission on Women
Administrative Law Judges*
Continuum of Care
Guardian Ad Litem Program

* A.L.J. Div. - 8 judges

Lieutenant Governor

(No Change)

Comptroller General

(No Change)

Secretary of State

(No Change)

Adjutant General

(No Change)

Treasurer's Office

Ways and Means Com. (C-L)

Board of Financial Inst's.

Judiciary Committee

(No Change)

Attorney General

Ways and Means Com. (C-L)

Consumer Affairs
State Ofc. of Victim's Asst.

Judiciary Committee

Consumer Affairs
State Ofc. of Victim's Asst.

Department of Public Education (W&M) Department of Education (JC)

Ways and Means Com. (C-L)

Superintendent of Education
Public Education
School Transportation -
Admin. and Management
Wil Lou Gray

Judiciary Committee

Superintendent of Education
Public Education
School Transportation

Department of Ag. & Natl. Resources (W&M) Department of Agriculture (JC)

Ways and Means Com. (C-L)

Agriculture
Clemson PSA Programs
Meat/Poultry Inspections
Livestock/Poultry Health
Wildlife
Forestry
Land Resources (w/o Reg.)
Water Resources (w/o Reg.)
Migratory Waterfowl
State Geologist
B&C Bd.-Geological Mapping
State Natl. Resources Police

*(3 Div.-Agr., Natl. Res., &
Natl. Resources Police)

Judiciary Committee

Agriculture
Clemson PSA Programs
Meat/Poultry Inspections
Livestock/Poultry Health

Legislature

Ways and Means Com. (C-L)

Legislative Departments

Judiciary Committee

(No Change)

Judiciary

Ways and Means Com. (C-L)

Sentencing Guidelines
Guardian Ad Litem
(Court Administration)

Judiciary Committee

Sentencing Guidelines

DEPARTMENTS

Department of Revenue (W&M, JC)

Ways and Means Com. (C-L)

Tax Commission
ABC-Licensing
HWY-Div. of Motor Vehicles

Judiciary Committee

Tax Commission
ABC-Licensing
HWY-Div. of Motor Vehicles

Department of Public Safety (W&M) Law Enforcement Department (JC)

Ways and Means Com. (C-L)

SLED
Highway Patrol
ABC - Enforcement
Law Enfc. Hall of Fame
Law Enfc. Training Cncl.
PSC Law Enforcement
(not weights/measures)

Judiciary Committee

SLED
Highway Patrol
ABC - Enforcement
Law Enfc. Hall of Fame
Law Enfc. Training Cncl.
PSC Law Enforcement

Department of Corrections (W&M) Dept. of Rehabilitation & Corrections (JC)

Ways and Means Com. (C-L)

Dept. of Corrections
Dept. of Youth Services
Incarceration Functions
Prob., Pardons & Parole

Judiciary Committee

Dept. of Corrections
Dept of Youth Services
Prob., Pardons & Parole

Dept. of Licensing & Regulations (W&M, JC)

Ways and Means Com. (C-L)

Prof. & Occup. Lic.
Agencies (POLAS)
Department of Labor
B&C Bd.-Fire Marshal
Pyrotechnic Safety Bd.

Judiciary Committee

Prof. & Occup. Lic.
Agencies (POLAS)
Department of Labor
B&C Bd.-Fire Marshal
Pyrotechnic Safety Bd.

Department of Insurance (W&M, JC)

Ways and Means Com. (C-L)

Insurance
Patient's Comp. Fund
Work. Comp.-Admin.
Second Injury Fund
Work. Comp. Fund

Judiciary Committee

Insurance
Patient's Comp. Fund
Work. Comp.-Admin.
Second Injury Fund
Work. Comp. Fund

Department of Health (W&M, JC)

Ways and Means Com. (C-L)

DHEC/Health
SCCADA

Judiciary Committee

DHEC/Health

Dept. of Health & Human Services (W&M) Dept. of Health & Human Services Finance (JC)

Ways and Means Com. (C-L)

HHSFC

Judiciary Committee

HHSFC

Dept. of Mental Health (W&M, JC)

Ways and Means Com. (C-L)

Dept. of Mental Health

Judiciary Committee

Dept. of Mental Health

Dept. of Mental Retardation and Disabilities (W&M) Dept. of Disabilities & Special Needs (JC)

Ways and Means Com. (C-L)

Dept. of Mental Retardation
Commission for the Blind
School for the Deaf & Blind
(Sep. Div. w/ Sp. Adv. Bd.)
Division of Special Needs:
- Ofc. of Spinal/Head Injuries
- Ofc. of Program for Autism

Judiciary Committee

Dept. of Mental Retardation
Commission for the Blind
Division of Special Needs:
- Ofc. of Spinal/Head Injuries
- Ofc. of Program for Autism
Wil Lou Gray Opportunity
School Division

Dept. of Adult, Family & Children Services (W&M)
Dept. of Family Services (JC)

Ways and Means Com. (C-L)

Commission on Aging
Dept of Social Services
Foster Care Review Board
John De La Howe
DYS Community-Based Programs)

*(3 Divisions-Econ. Progs.,
Aging/Adult, & Children)

Judiciary Committee

Commission on Aging
Dept. of Social Services
Foster Care Review Board
John De La Howe

*(4 Divisions-Econ. Progs.,
Aging/Adult, Children,
Foster Care Review Board
Divisions)

Dept. of Public Transportation (W&M)
Dept. of Transportation (JC)

Ways and Means Com. (C-L)

Hwy. Dept. w/o patrol
B&C Bd.-DMVM
Public School Transportation
(Maintenance Shops)
Railways Commission

Judiciary Committee

Hwy. Dept. w/o patrol
B&C Bd.-DMVM
Railways Commission

Department of Commerce (W&M, JC)

Ways and Means Com. (C-L)

State Development Board -
w/o Film Division
Coord. Cncl. for Econ. Dev.
Aeronautics Commission

Judiciary Committee

State Development Board -
w/o Film Division
Coord. Cncl. for Econ. Dev.
Aeronautics Commission

Dept. of Alcohol & Other Drug Abuse Services (JC)

Ways and Means Com. (C-L)

(No such department)

Judiciary Committee

SCAADA
Drug Free Schools &
Communities Programs

Department of Parks, Tourism and Cultural Affairs (W&M, JC)

Ways and Means Com. (C-L)

PRT
Arts Commission
Old Exchange Building
Columbian Quincen. Comm.
(Abolished)
Library
Museum
- Ofc. of Confed. Relic Rm.
Film Office (St. Dev. Bd.)

Judiciary Committee

PRT
Arts Commission
Library
Museum
- Ofc. of Confed. Relic Rm.
- Columbian Quincen. Comm.
Film Office (St. Dev. Bd.)
Archives

Dept. of Environmental Regulations (JC)

Ways and Means Com. (C-L)

Land Resources (Reg.)
Water Resources (Reg.)
DHEC-EQC & Water/Sewer
Coastal Council (New Appellate
Bd. Created - 14 Members -
8, one each elected by the
local governing bodies of
the 8 Coastal Counties, and
6, one from each C.D. apptd.
by a majority of legis.
delegation of the C.D.)

Judiciary Committee

Land Resources (Reg.)
Water Resources (Reg.)
DHEC-EQC & Water/Sewer
Coastal Council (New Appellate
Bd. Created - 14 Members -
8, one each elected by the
local governing bodies of
the 8 Coastal Counties, and
6, one from each C.D. apptd.
by a majority of legis.
delegation of the C.D.)

Department of Natural Resources (JC)

Ways and Means Com. (C-L)

(No such department)

Judiciary Committee

Wildlife
Land Resources
(without regulatory)
Water Resources
(without regulatory)
Migratory Waterfowl
B&C Bd. - Geological Mapping
State Geologist
Natural Resources Police Div.
Forestry Division

INDEPENDENT AGENCIES

Ways and Means Com. (C-L)

Election Commission
Ethics Commission
Ports Authority
Savannah Valley Authority
Santee Cooper
JEDA
B&C Board
Housing Authority
Research Authority
Office of Indigent Defense
(Inc. Appellate Def. Comm.)
ESC
PSC
(includes weights/measures)
Prosecution Coor. Comm.
Governor's School of Science
& Math (Year round)
Sea Grant Consortium
Vocational Rehabilitation
ETV
Patriots Point
Human Affairs Commission
Higher Education
Archives (transferred to USC)

Judiciary Committee

Election Commission
Ethics Commission
Ports Authority
Savannah Valley Authority
Santee Cooper
JEDA
B&C Board
Housing Authority
Research Authority
Office of Indigent Defense
(Inc. Appellate Def. Comm.)
ESC
PSC
Prosecution Coor. Comm.
Governor's School of Science
& Math (Year round)
Sea Grant Consortium
Vocational Rehabilitation
ETV
Patriots Point
Human Affairs Commission
Higher Education
Old Exchange Bldg. Commission
SC School for the Deaf & Blind

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